

PATENT

Attorney Docket 044574-5059-US

#40  
Lia  
12/13/02

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: <b>Albert Deisseroth et al.</b>	)	
	)	
International Application No. <b>PCT/US99/28613</b>	)	Group Art Unit: <b>Not Assigned</b>
	)	
Application No. <b>Not Assigned</b>	)	Examiner: <b>Not Assigned</b>
	)	
Filed: <b>May 29, 2001</b>	)	
	)	
For: <b>Plastin Promoter Directed Gene Therapy</b>	)	

PRELIMINARY AMENDMENT

Prior to the examination of the above-identified application, please amend the application as follows:

In the Claims:

Please substitute the following amended claims for pending claims 10, 25, 28 & 29.

a1 10. (Once Amended) The vector of claim 1 wherein the vector is an adenovirus vector.

a2 25. (Once Amended) The method of either of claims 21 or 23, wherein the gene is selected from the group consisting of a thymidine kinase, cytosine deaminase, a purine nucleotide phosphorylase, a nitroreductase,  $\beta$ -galactosidase, a cytochrome P450 reductase, a carboxylesterase, a deoxycytidine kinase and a thymidine phosphorylase.

a3 28. (Once Amended) The method of either of claims 21 or 23, wherein at least about 5% of the cells are infected.

29. (Once Amended) A recombinant adenovirus comprising the vector of claim 1.

REMARKS

Applicants respectfully submit that no new prohibited matter has been introduced by this Preliminary Amendment. The amendments to claims 10, 25, 28 & 29 were made to remove multiple dependencies at this early stage of prosecution. Applicants reserve the right, however, to add claims covering the various combinations of vector elements.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned Version with markings to show changes made.